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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,718	07/03/2003	Aaron Bangor	1033-T00528	7596

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TOLER SCHAFFER, LLP
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EXAMINER

PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/614,718	Applicant(s) BANGOR, AARON	
	Examiner Ryan F. Pitaro	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/3/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-56 have been examined.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-56 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims lack the necessary physical articles or object to constitute a machine or a manufacture within the meaning of 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compound to be a composition of matter. As such, they fail to fall within a statutory category and are at best functional descriptive material per se.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-54,56 are rejected under 35 U.S.C. 102(e) as being anticipated by Gangadharan ("Gangadharan", US 2003/0132967).

As per claim 1, Gangadharan teaches a graphical user interface (GUI) comprising: a first user-selectable button having associated text that includes a verbal of "attach" (Figure 3a).

Claims 2-20 are rejected under similar rationale, as claim 1, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 21, Gangadharan teaches a GUI further comprising a second user-selectable button having associated text that includes an imperative for "attach" (Figure 3B).

Claims 22-23 are rejected under similar rationale, as claim 21, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 24, Gangadharan teaches a GUI wherein the first user-selectable button is to instantiate a GUI element to find at least one file to attach to a message ([0030]-[0041]).

As per claim 25, Gangadharan teaches a GUI wherein the GUI element comprises a dialog box (Figure 3B).

As per claim 26, Gangadharan teaches a GUI wherein the first user selectable button is to initiate a file browser of an operating system (Figure 3B).

As per claim 27, Gangadharan teaches a GUI comprising a first user selectable button having associated text therein that includes "Find File to Attach" (Figure 3A), the

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first user-selectable button to initiate a file browser of an operating system ([0030]-[0040], Figure 3B); and a second user-selectable button having associated text therein that includes "Attach files", the second user-selectable button to initiate attaching one or more files found the file browser (Figure 3B, [0030]-[0040]).

Claim 28 is similar in scope to that of claim 27 and is therefore rejected under similar rationale.

Claims 29-47 are rejected under similar rationale, as claim 27, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 48 Gangadharan teaches providing a second user-selectable button having associated text that includes an imperative for "attach", wherein said uploading is performed in response to a user selection of the second user-selectable button (Figure 3B, [0030]-[0040]).

Claims 49-50 are rejected under similar rationale as claim 48, since the claims are directed towards non-functional descriptive material and regardless of what the button actually reads the functionality of the button remains the same.

As per claim 51, Gangadharan teaches a method wherein the GUI element comprises a dialog box (Figure 3B).

As per claim 52, Gangadharan teaches a method wherein the GUI element comprises a file browser of an operating system (Figure 3B).

As per claim 53, Gangadharan teaches a method wherein the text is included in a tag associated with the first user-selectable button (Figure 3A).

As per claim 54, Gangadharan teaches a method further comprising displaying the text in response to a mouse-over event associated with the first user-selectable button (Figure 3A, inherent tool tip).

Claim 56 is similar in scope to that of claim 27 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gangadharan ("Gangadharan", US 2003/0132967).

As per claim 55, Gangadharan fails to teach audibly displaying text. However OFFICIAL NOTICE is taken that audibly displaying text is notoriously well known in the art. Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching with the method of Gangadharan. Motivation to do so would have been to provide a way to communicate text with those with visual impairments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP

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Kristine Kincaid

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 210